

Fiscal Estimate - 2009 Session

☒ Original
 ☐ Updated
 ☐ Corrected
 ☐ Supplemental

LRB Number 09-0210/1	Introduction Number AB-0432
Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input checked="" type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input checked="" type="checkbox"/> Indeterminate 1. <input type="checkbox"/> Increase Costs 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By DA/ Phil Werner (608) 267-2700	Authorized Signature Tom Herman (608) 266-0239
Date 9/30/2009	

Fiscal Estimate Narratives

DA 9/30/2009

LRB Number	09-0210/1	Introduction Number	AB-0432	Estimate Type	Original
Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

If this bill were to be enacted, prosecutors anticipate a small fiscal impact on the DA Program.

Long-Range Fiscal Implications

Prosecutors anticipate a minor long-term fiscal impact should this bill be enacted.

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Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties			
Fiscal Effect			
State:			
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<input checked="" type="checkbox"/> Indeterminate			
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<input type="checkbox"/> Decrease Existing Appropriations		<input type="checkbox"/> Decrease Existing Revenues	
<input type="checkbox"/> Create New Appropriations		<input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget	
		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
		<input type="checkbox"/> Decrease Costs	
Local:			
<input type="checkbox"/> No Local Government Costs			
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1. <input type="checkbox"/> Increase Costs		3. <input type="checkbox"/> Increase Revenue	
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2. <input type="checkbox"/> Decrease Costs		4. <input type="checkbox"/> Decrease Revenue	
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory		<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory	
5. Types of Local Government Units Affected			
<input type="checkbox"/> Towns		<input type="checkbox"/> Village	
<input type="checkbox"/> Counties		<input checked="" type="checkbox"/> Others	
<input type="checkbox"/> School Districts		<input type="checkbox"/> WTCS Districts	
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		<input type="checkbox"/> Jails	
Fund Sources Affected		Affected Ch. 20 Appropriations	
<input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS			
Agency/Prepared By		Authorized Signature	
DOC/ Cathy Halpin (608) 240-5538		Robert Margolies (608) 240-5056	
		Date	
		10/6/2009	

Fiscal Estimate Narratives

DOC 10/6/2009

LRB Number 09-0210/1	Introduction Number AB-0432	Estimate Type Original
Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties		

Assumptions Used in Arriving at Fiscal Estimate

This bill prohibits sex offenders required to be registered on Wisconsin's Sex Offender Registry from being in any school building, on school grounds, school recreation areas or athletic fields without first notifying certain school officials of the specific date, time and place of the visit. The bill provides exceptions for voting, non-school sponsored events or activities or, if the offender has a child enrolled in the school, if the offender notifies the school at the beginning of each school year. This bill also requires the Department to notify sex offender registrants of the new requirements.

The Department would incur minimal costs for an additional mailing to current sex offender registrants [21,053 adult and juvenile offenders in September 2009] at the time of bill passage. These costs could be absorbed using the agency's base funding.

The bill also creates a Class A misdemeanor for a first time violation and a Class H felony for second and subsequent violations. The Department is unable to determine how many sex offenders will be convicted for disregarding the notification process. A Class A misdemeanor includes a maximum of 9 months in a county jail; a Class H felony includes a maximum of 3 years confinement in prison and 3 years extended supervision.

The average FY09 annual cost for an inmate in a DOC institution is approximately \$31,800. However, when there is excess capacity in DOC facilities, the incremental costs (i.e. food, health care and clothing) of housing a small number of inmates is approximately \$4,900, based on FY09 costs. When there is no excess capacity in DOC facilities, as is currently the case, the Department uses contract beds at a rate of \$18,800 annually per person. The average FY09 annual cost for offenders on extended supervision was \$2,600.

Jail costs may also increase if offenders are placed in jail rather than prison.

Long-Range Fiscal Implications

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Agency/Prepared By DOJ/ Mark Rinehart (608) 264-9463	Authorized Signature Mark Rinehart (608) 264-9463
Date 10/15/2009	

Fiscal Estimate Narratives

DOJ 10/15/2009

LRB Number	09-0210/1	Introduction Number	AB-0432	Estimate Type	Original
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Assumptions Used in Arriving at Fiscal Estimate

Generally, under Chapter 301.45 a person must register as a sex offender with the Department of Corrections if he or she has been found to have committed a certain sex offense.

2009 Assembly Bill 432 creates Chapter 301.475, relating to sex offenders notifying schools. With certain exceptions, under 301.475, a person who is required to register under 301.45 may not be on any school premises unless that person has notified the school of the specific date, time, and place of that person's visit and the person's status as a registered sex offender. Whoever violates 301.475 once is guilty of a Class A misdemeanor. Whoever violates 301.475 as a second or subsequent offense is guilty of a Class H felony.

While most felony prosecutions are handled by district attorneys, assistant attorneys general in the Department of Justice's Criminal Litigation Unit on occasion act as special prosecutors throughout Wisconsin at the request of district attorneys. In addition, the Department of Justice's Criminal Appeals Unit represents the State of Wisconsin in defending felony convictions when those convictions are challenged in state or federal court. Under Wisconsin law, this unit is charged with preparing briefs and presenting arguments in front of any state appellate or federal court hearing a challenge to a felony conviction.

Since AB 432 broadens the types of activities that can be prosecuted as felonies, it is possible that the enactment of the bill could result in an increased caseload for the department's Criminal Litigation and Criminal Appeals units. The department anticipates that any increased caseload would be relatively small and could most likely be absorbed with existing resources. However, if the increased caseload is significant, DOJ will need additional resources.

Long-Range Fiscal Implications

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Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties	
Fiscal Effect State: <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No State Fiscal Effect <input type="checkbox"/> Indeterminate <input type="checkbox"/> Increase Existing Appropriations <input type="checkbox"/> Decrease Existing Appropriations <input type="checkbox"/> Create New Appropriations </div> <div style="width: 33%;"> <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Decrease Existing Revenues </div> <div style="width: 33%;"> <input checked="" type="checkbox"/> Increase Costs - May be possible to absorb within agency's budget <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div> <input type="checkbox"/> Decrease Costs </div> </div> Local: <div style="display: flex; flex-wrap: wrap; padding: 5px;"> <div style="width: 33%;"> <input type="checkbox"/> No Local Government Costs <input type="checkbox"/> Indeterminate <div style="display: flex; justify-content: space-between;"> <div> 1. <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Permissive <input checked="" type="checkbox"/> Mandatory 2. <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> <div> 3. <input type="checkbox"/> Increase Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory 4. <input type="checkbox"/> Decrease Revenue <input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory </div> </div> </div> <div style="width: 33%;"> 5. Types of Local Government Units Affected <div style="display: flex; flex-wrap: wrap;"> <div style="width: 33%;"> <input type="checkbox"/> Towns <input checked="" type="checkbox"/> Counties <input type="checkbox"/> School Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Village <input type="checkbox"/> Others <input type="checkbox"/> WTCS Districts </div> <div style="width: 33%;"> <input type="checkbox"/> Cities </div> </div> </div> </div>	
<div style="display: flex; justify-content: space-between;"> <div> Fund Sources Affected <input checked="" type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEGS </div> <div> Affected Ch. 20 Appropriations </div> </div>	
Agency/Prepared By SPD/ Mike Tobin (608) 266-8259	Authorized Signature Krista Ginger (608) 264-8572
Date 9/29/2009	

Fiscal Estimate Narratives
SPD 9/29/2009

LRB Number	09-0210/1	Introduction Number	AB-0432	Estimate Type	Original
Description Notification requirements for persons who must register as sex offenders and who are on school premises and providing penalties					

Assumptions Used in Arriving at Fiscal Estimate

The State Public Defender (SPD) is statutorily authorized and required to appoint attorneys to represent indigent defendants in criminal proceedings. The SPD plays a major role in ensuring that the Wisconsin justice system complies with the right to counsel provided by both the state and federal constitutions. Any legislation has the potential to increase SPD costs if it creates a new criminal offense, expands the definition of an existing criminal offense, or increases the penalties for an existing offense.

This bill would create a new crime for violating a regulatory requirement for persons required to register as sex offenders. The offense would be a misdemeanor for the first offense and a felony for the second or subsequent offense. The SPD's average cost to provide representation in a misdemeanor case is \$217.54, calculated on the basis of the SPD's average cost per case in fiscal year 2008. The SPD's average cost per felony for that fiscal year was \$544.58.

Because probation or prison could be ordered upon conviction for the proposed crime (prison would be an option in the felony cases, although not in many of the misdemeanor cases) this change would indirectly lead to additional cases in which the Department of Corrections (DOC) would seek to revoke probation or extended supervision. The SPD provides representation in proceedings commenced by the Department of Corrections (DOC) to revoke supervision. Thus, the bill would indirectly increase the number of cases in which the SPD appoints attorneys in revocation proceedings. The average cost during fiscal year 2008 for SPD representation in a revocation proceeding was \$368.86.

The SPD does not have data to predict the number of prosecutions that would occur for alleged violation of the proposed criminal statute. In the future, the SPD could track the number of new cases. Similarly, the SPD does not have the data to determine how many additional persons would be placed on DOC supervision (probation or extended supervision) or the number of additional revocation proceedings that would occur.

Counties are also subject to increased costs when a new crime is created. There are some defendants who, despite exceeding the SPD's statutory financial guidelines, are constitutionally eligible for appointment of counsel because it would be a substantial hardship for them to retain an attorney. The court is required to appoint counsel at county expense for these defendants. Thus, the counties would experience increased costs attributable to the higher classification of some criminal charges resulting from this bill. The counties could also incur additional costs associated with incarceration of defendants, both pending trial and after sentencing.

Long-Range Fiscal Implications